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10 Attorneys for Plaintiff

11 THE CALIFORNIA SPORTFISHING

12 PROTECTION ALLIANCE

13 **UNITED STATES DISTRICT COURT**

14 **EASTERN DISTRICT OF CALIFORNIA**

15 THE CALIFORNIA SPORTFISHING
16 PROTECTION ALLIANCE, a
17 California nonprofit corporation,

18 Plaintiff,

19 vs.

20 NMI INDUSTRIAL HOLDINGS,
21 INC., a California corporation,

22 Defendant.

Case No. 2:19-cv-02580-TLN-DB

STIPULATION AND ORDER TO
MODIFY INITIAL PRETRIAL
SCHEDULING ORDER

(Federal Water Pollution Control Act,
33 U.S.C. §§ 1251 to 1387)

23 WHEREAS, on December 20, 2019, Plaintiff, The California Sportfishing
24 Protection Alliance (“Plaintiff”), filed its Complaint for Declaratory and Injunctive
25 Relief and Civil Penalties alleging violations of the Clean Water Act by Defendant,
26 NMI Industrial Holdings, Inc. (“Defendant”);

27 WHEREAS, on December 23, 2019, this Court issued its Initial Pretrial
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1 Scheduling Order (“Scheduling Order”);

2 WHEREAS, the Scheduling Order required that “[a]ll discovery, with the
3 exception of expert discovery, shall be completed no later than two hundred forty
4 (240) days from the date upon which the last answer may be filed with the Court”;

5 WHEREAS, on May 18, 2020, Defendant filed its answer with the Court;

6 WHEREAS, the current deadline to complete discovery, with the exception of
7 expert discovery, is January 13, 2021;

8 WHEREAS, pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the
9 Scheduling Order may only be modified by leave of court upon a showing of good
10 cause;

11 WHEREAS, Plaintiff and Defendant (collectively, “Parties”) have to date
12 engaged in good-faith settlement negotiations;

13 WHEREAS, the Parties have come to agreement on all substantive settlement
14 terms except for attorneys fees, costs, and mitigation payments;

15 WHEREAS, the Parties are actively engaged in settlement discussions to
16 resolve the remaining monetary issues;

17 WHEREAS, the Parties have engaged and continue to engage in settlement
18 discussions in light of the delays and difficulties resulting from COVID-19;

19 THE PARTIES HEREBY STIPULATE AS FOLLOWS:
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21 1. The Parties respectfully request that the Court modify its Initial Pretrial
22 Scheduling Order in order to provide the Parties an opportunity to finalize the
23 settlement without incurring additional costs and expenses necessary to complete
24 discovery by the existing cut-off deadline;

25 2. The Parties respectfully request that the Court extend the deadline for
26 completion of discovery by ninety (90) days such that all discovery, with the
27 exception of expert discovery, shall be completed by April 13, 2021.
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2 Dated: December 8 , 2020

LOZEAU DRURY LLP

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4 /s/ Brian B. Flynn

Brian B. Flynn

5 Attorneys for The California Sportfishing
6 Protection Alliance
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8 Dated: December 7 , 2020

HARRISON TEMBLADOR

9 HUNGERFORD & JOHNSON

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11 /s/ Tiffany Michou

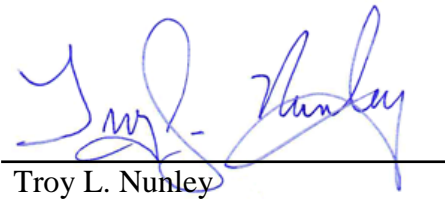
Tiffany Michou

12 Attorneys for NMI, Industrial Holdings Inc.
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14 **ORDER**

15 IT IS SO ORDERED.

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17 Dated: December 8, 2020

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Troy L. Nunley
United States District Judge